UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

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Ex parte JASON Y. BLAKELY, DENNIS D. KING and RICHARD J. REDPATH

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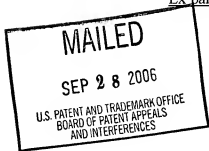
Appeal No. 2006-2310
Application No. 09/577,722

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ON BRIEF

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Before HAIRSTON, BARRY and MACDONALD, <u>Administrative Patent Judges</u>.

HAIRSTON, <u>Administrative Patent Judge</u>.

This is an appeal from the final rejection of claims 1 through 12.

The disclosed invention relates to a method and system for using machine translation to produce a mixed translation of text. The mixed translation of text includes a first language and a target language.

Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A method of determining a target language for automatic programmatic translation of text in a first language, comprising the steps of:
   creating text in the first language;
   using an HTML 'lang' attribute to set at least one target language for a portion of the text which is different from the first language; and,
   automatically programmatically translating the portion having the first language into said at least one target language with said 'lang' attribute as a key for machine translation in order to produce a mixed translation of the text.

The references relied on by the examiner are:

Grefenstette   6,396,951   May 28, 2002
                                                                    (filed Dec. 23, 1998)

Lakritz   6,623,529   Sept. 23, 2003
                                                                    (filed Jan. 28, 1999)

Claims 1, 3, 4, 6, 7 and 9 stand rejected under 35 U.S.C. § 102(e) as being

anticipated by Lakritz.

Claims 10 through 12 stand rejected under 35 U.S.C. § 103(a) as being

unpatentable over Lakritz.

Claims 2, 5 and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable

over Lakritz in view of Grefenstette.

Reference is made to the briefs and the answer for the respective positions of the

appellants and the examiner.

<div align="center">OPINION</div>

We have carefully considered the entire record before us, and we will sustain the

anticipation rejection of claims 1, 3, 4, 6, 7 and 9, and the obviousness rejections of

claims 2, 5, 8 and 10 through 12.

We agree with the examiner's findings (answer, pages 3 and 4) that Lakritz

discloses all of the limitations of claim 1. Lakritz describes a method of automatic

programmatic translation of text in a first language (e.g., English) in web documents

(column 2, lines 38 through 43; column 3, lines 62 through 64). Lakritz uses a HTML

'lang' attribute to set at least one target language (e.g., German) for a portion of the text

which is different from the first language (column 5, lines 41 through 49). According to

the examiner (answer, page 3), the text in Lakritz comprises all of the documents in a first

language at the web site, and the portion of the text would be the document that is marked for automatic translation to a target language (column 6, lines 3 through 34). When the portion of the documents in the first language is "automatically programmatically" machine translated into the target language with the noted 'lang' attribute, a mixed translation of the text (i.e., documents) is produced "because the website text includes two languages together, the website text are produced as a mixed translation of the text; figure 5, #505: the Language-specific elements implies that the specific elements in a website text is translated into a target language which is different from the language of the entire documents" (answer, page 4).

Appellants argue that the claimed "text" is on a single document (brief, page 5), and that "the Examiner's assertion that the term 'text' refers to <u>all</u> the documents in a website is neither factually supported nor supported by the plain and ordinary meaning of the term 'text' itself" (reply brief, page 3).

We agree with the examiner's argument (answer, page 7):

> The claim only requires "creating text in the first language." Lakritz, in column 5, lines 10-13, discloses that the master site content is in <u>a language</u>, which means that the created text of the master site is in a first language. Lakritz further discloses that some of the documents in the website are translated into a second language (col 6, lines 21-34). Thus, a *portion of the text of the website* is in the second language. Therefore, *the entire text of the website is in a mixed language*. In other words, the entire text of the website is produced as a mixed translation of the text.

Nothing in the claims on appeal limits "text" to a single document. A feature found only in appellants' specification will not be read into the claims on appeal. <u>In re Prater</u>, 415 F.2d 1393, 1405, 162 USPQ 541, 551 (CCPA 1969). During <u>ex parte</u> prosecution, claims are given their broadest reasonable interpretation. <u>In re Zletz</u>, 893 F.2d 319, 321, 13

USPQ2d 1320, 1322 (Fed. Cir. 1989). Thus, we find that it was reasonable for the

examiner to apply the term "text" to all of the documents at the website.

In summary, the anticipation rejection of claim 1 is sustained. The anticipation

rejection of claims 3, 4, 6, 7 and 9 is likewise sustained because appellants did not

present any patentability arguments for these claims apart from the arguments presented

for claim 1.

The obviousness rejections of claims 2, 5, 8 and 10 through 12 are sustained

because appellants did not present any patentability arguments for these claims.

DECISION

The decision of the examiner rejecting claims 1, 3, 4, 6, 7 and 9 under 35 U.S.C. §

102(e) is affirmed, and the decision of the examiner rejecting claims 2, 5, 8 and 10

through 12 under 35 U.S.C. § 103(a) is affirmed.

No time period for taking any subsequent action in connection with this appeal

may be extended under 37 CFR § 1.136 (a)(1)(iv).

AFFIRMED

Kenneth W. Hairston)
Administrative Patent Judge)
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) BOARD OF PATENT
Lance Leonard Barry)
Administrative Patent Judge) APPEALS AND
)
) INTERFERENCES
Allen R. MacDonald)
Administrative Patent Judge)

KWH/eld

CAREY, RODRIGUEZ, GREENBERG & PAUL, LLP
STEVEN M. GREENBERG
1300 CORPORATE CENTER WAY
SUITE 105G
WELLINGTON FL 33414